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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,687	08/31/2001	Kairi Ann Johnston	10017728-1	2117

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EXAMINER

LEE, CHEUKFAN

ART UNIT PAPER NUMBER

2625

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/944,687		JOHNSTON ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Cheukfan Lee		2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12,20-24 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12,20-24 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's election of Group I claims 1-12, 20-24, and 34-36 without traverse, filed December 23, 2005 is acknowledged. Non-elected Group II claims 13-19, 25-33, and 37-45 were canceled by Applicant.

2. Of the pending claims 1-12, 20-24, and 34-36, claims 1, 7, 20, and 34 are pending.

3. The following quotations of 37 CFR § 1.75(d)(1) is the basis of objection:

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)).

4. Claims 34-36 are objected to under 37 CFR § 1.75 as failing to conform to the invention as set for the remainder of the specification.

Claims 34-36 claim one or more computer-readable media comprising computer executable instructions that, when executed, direct a computing system to perform a method ... . The phrase "one or more computer-readable media", for the method, is not found anywhere in the specification. This phrase is not clearly supported by the specification.

Further, it is unclear how more than one computer-readable media comprising computer executable instructions that, when executed, direct a computing system to

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perform the method claimed. It is unclear how the more than one media share the work/task.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-12, 20-24, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. (U.S. Patent No. 6,160,249).

Regarding claim 1, Webb et al. discloses an adaptive resolution scanning system comprising a component configured to determine a scan resolution for scan data corresponding to a data type associated with a destination and an imaging device (original image scanner) configured to generate the scan data with the scan resolution (Figs. 1 and 2, col. 3, line 50 – col. 5, line 7, also col. 2, lines 35-40 and 59-63). Webb et al. discloses that a final scan resolution is a function of a resolution modifier and image factor (which is dependent on the image type), among other factors (col. 3, lines 50-54).

Webb et al. does not explicitly disclose a destination selection control configured for manipulation to select the destination for which the scan resolution is determined. In the exemplary embodiment, Webb et al. uses an office printer as the destination of the scan data (Fig. 1, col. 3, line 27 and line 50 – col. 5, line 7). However, Webb et al. also

states, "For example, the user would choose between destinations that include a plurality of printer types, the computer display screen, and fax types." in the background of the invention, and "when it is printed on a typical office printer" in the detailed description of the preferred embodiment (col. 2, lines 35-40 and col. 3, lines 50-54). This suggests use of a destination selection control for selecting the destination for the scan data among a plurality of destinations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of the invention of Webb et al. with a destination selection control configured for manipulation to select a destination for the scan data, in order to simplify the destination process.

Regarding claim 2, according to the flow charts of Figs. 1 and 2, the component of Webb et al. that determines the scan resolution is a scanning software component (Figs. 1 and 2, col. 3, line 50 – col. 5, line 7).

Regarding claims 3-6, the final scan resolution is determined to be a scan resolution corresponding to a data type (col. 3, lines 50-54). Webb et al. discloses a plurality of data types (col. 3, line 61 – col. 4, line 2). In the exemplary embodiment, Webb et al. determines a final scan resolution for one of the data types for the destination (which is a printer in the exemplary embodiment) (col. 4, line 54 – col. 5, line 7). However, Webb et al. discloses that the range of scan resolution that the optical scanner could scan includes 30 ppi (pixel per inch) to 1200 ppi (col. 1, lines 30-35),

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which range include 150 ppi. Using a 150 ppi scan resolution and a 300 ppi scan resolution for an image data type and a text data type, respectively, to generate corresponding data of relatively high quality that do not require a relatively long time is common knowledge to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the technique of Webb et al. to determine a 150 ppi scan resolution for corresponding to an image data type, and a 300 ppi scan resolution corresponding to a text data type, in order to reduce image processing time and yet produce image data of relatively good quality.

Claim 7 recites the same limitations in the claim body as those of claim 1 in the claim body. Claim 7 claims an automatic document feed scanning device in the preamble, whereas claim 1 claims an imaging system in the preamble. The claim 7 automatic document feed scanning device is met by Webb et al. because Webb et al. further discloses that the scanning system includes a system in which scanning of the document (object) is performed by moving the document with respect to the illumination and optical assemblies in the system. It is inherent that the document feeding is automatic. See also the discussion for claim 1.

Claims 8-12 are rejected for the same reasons as given for claims 2-6, respectively.

Claims 20-24 are rejected as being method claims corresponding to the rejected apparatus claims 1 and 3-6, respectively.

Claims 34-36, insofar as the claims are understood, claim a computer-readable medium comprising computer executable instructions that, when executed, directs a computing system to perform a method that comprises method steps included in claims 10, 21, and 23, respectively, which were discussed above. Although Webb et al. does not explicitly disclose a computer-readable medium as claimed, based on the flow charts shown in Figs. 1 and 2 and their corresponding explanation in the specification of Webb et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement computer executable instructions as claimed and have the instructions stored in a computer-readable medium or the convenience of handling the instruction.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gann et al. (U.S. Patent No. 6,542,260), “

Webb et al. (U.S. Patent No. 5,489,772), “

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee  
March 31, 2006



Cheukfan Lee